

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RICHARD MILLS,

Petitioner,

v.

AMENDED ORDER  
06-CV-842A

SUPERINTENDENT T. POOLE, et al.,

Respondents.

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This case was referred to Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b)(1)(A). On December 27, 2007, petitioner filed a motion for leave to file an amended petition.

On April 2, 2008, Magistrate Judge Bianchini filed an Order, denying petitioner's motion.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this section where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The court has reviewed petitioner's objections and Magistrate Judge Bianchini's Order. Upon such review, the Court finds that Magistrate Judge Bianchini's Order is neither clearly erroneous nor contrary to law.<sup>1</sup>

Accordingly, the Court affirms the Order.

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<sup>1</sup> The Court's previous Order of April 15, 2008, inadvertently stated that there was argument from counsel. Petitioner is proceeding *pro se* in this case and there was no oral argument.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 3, 2008